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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TOMMY STEWART,

Petitioner,

vs.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 2:21-cv-01490-APG-BNW

**UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE THE
ANSWER TO THE REMAINING CLAIMS
IN THE SECOND AMENDED PETITION
FOR WRIT OF HABEAS CORPUS
(ECF NO. 15)**

(SECOND REQUEST)

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a fourteen (14) day enlargement of time, up to and including June 19, 2023, in which to submit the answer to the remaining claims in Petitioner Charles Stewart's Second Amended Petition for Writ of Habeas Corpus (ECF No. 15). The response is currently due June 5, 2023.

Respondents base this motion on the declaration of Counsel.

This is Respondents' second request for an extension of time in which to file an answer and made in good faith and not for purposes of delay.

DATED this 1st day of June, 2023.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

I, Michael J. Bongard, being first duly sworn under oath, depose and state as follows:

1. I am a Senior Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents' Motion for Enlargement of Time to file the answer to the remaining claims in Petitioner Tommy Stewart's Second Amended Petition (Second Request) in the above-captioned case. In this motion, I am requesting a fourteen (14) day enlargement of time, up to and including, June 19, 2023, to file and serve the answer. The response is currently due June 5, 2023.

2. Since the Court granted the first enlargement of time on April 19, 2023, Counsel filed the following pleadings in federal court: 1.) On April 24, 2023, the answer to the remaining claims in *Cardenas v. Garrett*, et al., USDC case number 3:15-cv-00476-MMD-CLB; 2.) On April 27, 2023, the opposition to motion for evidentiary hearing in *McNelson v. Gittere*, et al., USDC case number 2:00-cv-00284-RCJ-DJA (death penalty case); 3.) On May 8, 2023, the answer to remaining claims in *Hosino v. Garrett*, et al., USDC case number 2:21-cv-02234-GMN-VCF; 4.) On May 24, 2023, the response to the reply to the answer in *Ayala v. Williams, SR.*, et al., USDC case number 2:17-cv-02093-RFB-VCF; and 5.) on May 30, 2023, the answer to the remaining claims in *Costa v. Baca*, et al., USDC case number 3:16-cv-00705-HDM-CLB. Counsel also assisted the assigned attorney with the motion to dismiss in *Bolanos v. Baker*, et al., USDC case number 3:16-cv-00640-MMD-CSD, filed on May 11, 2023. Counsel also started work on the answer to the remaining claims in *Wilcock v. Gentry*, et al., USDC case number 2:17-cv-02101-JAD-VCF but filed for an enlargement of time to complete the answer.

3. On May 17, 2023, in state court, Counsel filed the answering brief in *Morgan v. State*, Nevada Supreme Court case number 855548.

4. Counsel was also preparing this week for the evidentiary in Hawthorne, Nevada, in *Wilson v. State*, Eleventh Judicial District Court case number 21-cv-WR1-2021-0052, which was scheduled for Friday, June 2, 2023. The state court vacated the hearing on Thursday morning, June 1. However, Counsel also needs to prepare for the small claims hearing in *Sanchez v. State of Nevada, ex rel. NDOC*, Ely Justice Court case number 23-SC-00014-7k, which is set for Monday, June 5, 2023.

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5 I declare under penalty of perjury that the preceding is true and correct.

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General



Dated: June 1, 2023

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system on the 1st day of June, 2023.

The following participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

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/s/ J. Martinez
An Employee of the Office of the Attorney General